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DATE FILED: <u>2-17-10</u>

COSTS/CJ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNY WHEELER and SHAWN WHEELER,

Plaintiffs,

**STIPULATION OF
SETTLEMENT OF
ATTORNEYS' FEES**

-against-

DOUGLAS STRONG, ISRAEL RIVERA, VICTOR
DISLA and MARIA FRANCO,

08 Civ. 6766 (PKC)

Defendants.

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WHEREAS, plaintiff Shawn Wheeler commenced this action by filing a complaint on or about July 29, 2008, alleging that defendants Douglas Strong, Israel Rivera, Victor Disla and Maria Franco violated plaintiff Shawn Wheeler's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff Shawn Wheeler's allegations; and

WHEREAS, plaintiff Shawn Wheeler and defendants entered into a settlement agreement signed by the Court on November 17, 2009, to settle this case for \$20,001.00 plus reasonable attorneys' fees, costs, expenses, up to October 28, 2009; and

WHEREAS, counsel for plaintiff Shawn Wheeler and defendants now desire to resolve the issue of his attorneys' fees, costs and expenses, without further proceedings; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff Shawn Wheeler's counsel, Edward Sivin, Esq., on behalf of Sivin & Miller LLP, the sum total of THIRTY THOUSAND DOLLARS (\$30,000.00) in full satisfaction of plaintiff Shawn Wheeler's attorney fees, expenses and costs; and

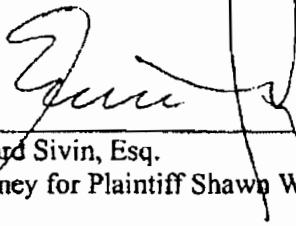
2. This Stipulation of Settlement of Attorneys' fees ("Stipulation") shall not be construed to be an admission by any of the defendants that they have in any manner or way violated plaintiff Shawn Wheeler's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York; and

3. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

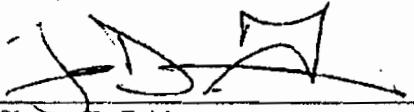
Dated: New York, New York
February 8, 2010

CASE IS CLOSED
ALL MOTIONS TERMINATED

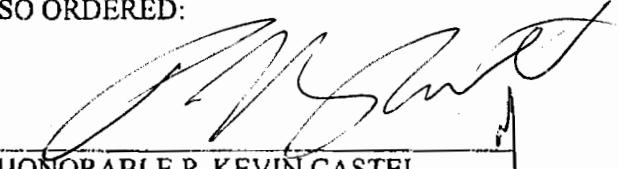
Edward Sivin, Esq.
Sivin & Miller LLP
Attorneys for Plaintiff Shawn Wheeler
170 Broadway, Suite 600
New York, New York 10038

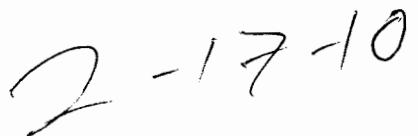
By: 
Edward Sivin, Esq.
Attorney for Plaintiff Shawn Wheeler

MICHAEL A. CARDODOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007

By: 
Shawn D. Fabian
Assistant Corporation Counsel

SO ORDERED:


HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE


2-17-10